

Agent Orange Brief

Prepared by the Environmental Agents Service (131)

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VA Central Office, Washington, DC 20420

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AGENT ORANGE CLASS ACTION LAWSUIT

What is it?

In re "Agent Orange" Product Liability Litigation is the name of the class action lawsuit brought by Vietnam veterans and their family members against seven chemical companies for injuries the veterans believed were caused by exposure to Agent Orange and other herbicides in Vietnam. More than 200,000 veterans joined the class action claiming a large number of diseases they believe are related to Agent Orange. On May 7, 1984, a settlement was announced in which the manufacturers of Agent Orange agreed to pay \$180 million. Since the suit did not go to trial, no specific diseases were associated with Agent Orange, and it was very difficult to determine who should receive this money. VA officials were not involved in this determination.

What is the status of this settlement?

For more than four years, various groups challenged the settlement for a variety of reasons. In mid-1988, the U.S. Supreme Court declined to review rulings that dismissed lawsuits brought by veterans and others who challenged the settlement. The survivors of deceased Vietnam veterans and totally disabled veterans who were exposed to Agent Orange are receiving settlement funds. The first payments were made in early 1989. The Court designated Aetna Life Insurance Company to serve as the claims administrator for the program. After an extension, the deadline for submission of a disability or survivor application was set for January 17, 1995.

Was VA involved in this settlement?

No. The Department of Veterans Affairs was **not** directly involved in the distribution of the settlement assets. VA did **not** decide who gets money from the settlement or how much they receive.

What is the relationship between this lawsuit and compensation available from the VA's disability compensation program?

There is no connection whatsoever. Veterans who wish to be considered for disability compensation from VA must file a claim with VA for that benefit. The application forms, claims processing, eligibility criteria, etc. are totally different and completely unrelated.

How can an individual or group get additional information on the settlement?

The mailing address for the Agent Orange Veteran Payment Program **was** P.O. Box 110, Hartford, CT 06104. If they have an existing claim with the Agent Orange Veteran Payment Program, Vietnam veterans or family members may wish to direct any inquiries they may have about their claim to Ms. Deborah Greenspan, The Feinberg Group, 1120 20th Street, N.W., Suite 7405, Washington, DC 20036-3437. Veterans and their families also may wish to contact their attorneys (at their own expense) regarding this matter.